

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

<hr/>	:	
TODD MICHAEL SPOTH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.: 18-cv-4562
	:	
ARIYAN ARSIANI, p/k/a ACTION BRONSON,	:	
BIZ 3 INC.,	:	
SHADY RECORDS, INC., and	:	COMPLAINT AND JURY
GOLIATH ARTISTS, INC.	:	DEMAND
	:	
Defendants.	:	
	:	
<hr/>	:	

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, TODD MICHAEL SPOTH (“Spoth” or “Plaintiff”), brings this complaint in the United States District Court for the Eastern District of New York against ARIYAN ARSIANI, p/k/a ACTION BRONSON (“Bronson”), BIZ 3 INC. (“Biz”), SHADY RECORDS, INC. (“Shady”), and GOLIATH ARTISTS, INC (“Goliath”) (collectively “Defendants”), alleging as follows:

PARTIES

1. Plaintiff is an experienced, award-winning commercial photographer specializing in editorial, corporate, and advertising photography. Plaintiff serves on the board of the American Society of Media Photographers. Plaintiff’s partial client list includes: Billboard, Canon, ESPN, Forbes, Starbucks, Target, The New York Times, and Warner Music Group. Plaintiff resides in Houston, Texas.

2. On information and belief, Bronson, whose given name is Ariyan Arsiani, is a rapper, reality television personality, author, and talk show host. Bronson resides in Flushing, Queens.¹

3. On information and belief, Biz is a Domestic Business Corporation existing under the laws of the State of Illinois, with headquarters in Chicago, Illinois. Biz is a management, consulting, and coaching company specializing in up and coming artists.

4. On information and belief, Shady is a Domestic Business Corporation existing under the laws of the state of New York, with headquarters in Sherman Oaks, California. Shady is a record label founded by rapper Eminem and Paul Rosenberg. Shady owns and operates Goliath.

¹ www.thefader.com/2011/11/30/at-home-with-action-bronson

5. On information and belief, Goliath is a Domestic Business Corporation existing under the laws of the state of New York, with headquarters in New York, New York. Goliath is a talent firm that manages mostly hip hop artists and acts, including Bronson.

JURISDICTION AND VENUE

6. This is a civil action seeking damages for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).

7. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).

8. Defendants are subject to personal jurisdiction in New York.

9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, and Defendants are subject to personal jurisdiction in this district.

10. This Court also has personal jurisdiction over Defendants, and venue in this District is proper under 28 U.S.C. § 1400(a).

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

11. Plaintiff captured the photograph, “Action Bronson portrait” (“Copyrighted Photograph”) on January 6, 2013 at the Free Press Summerfest in Houston, Texas. [Exhibit 1]. Plaintiff was a credentialed photographer during the event and captured Copyrighted Photograph backstage after requesting permission from Bronson.

12. On or about June 4, 2013, Plaintiff posted Copyrighted Photograph to [www.toddspoth.com/gallery-image/HIP- HOP/G0000ddQiC7_Lrjk/I0000dXTX7.1Mhm0/C0000gyh0eTMsU2M](http://www.toddspoth.com/gallery-image/HIP-HOP/G0000ddQiC7_Lrjk/I0000dXTX7.1Mhm0/C0000gyh0eTMsU2M) (Last visited August 13, 2018). [Exhibit 2].

13. Plaintiff registered Copyrighted Photograph with the United States Copyright Office on December 7, 2016 (Registration No.: VA 2-061-040). [Exhibit 3].

14. Without permission or license from Plaintiff, Defendants copied and posted Copyrighted Photograph to Bronson's Instagram account, www.instagram.com/p/a6-JnVl9bX/?taken-by=bambambaklava ("Instagram Post") (Last visited August 13, 2018). [Exhibit 4].

15. Defendants copied Copyrighted Photograph directly from Plaintiff's commercial website to Instagram account.

16. Defendants omitted any credit or reference to Plaintiff in the Instagram Post.

17. Bronson's Instagram account, www.instagram.com/bambambaklava, has 1.4 million followers worldwide.

18. To date, despite numerous demands to Defendants to remove the infringing Instagram post, Defendants have refused to do so. As of the date of this filing, Instagram Post remains online and viewable to the public.

19. To date, Instagram Post has garnered 9,357 likes. [Exhibit 4].

20. As a direct result of Defendants' actions, Copyrighted Photograph was copied by an abundance of third parties, including newspapers, music festivals, blogs, performance venues, skateboard companies, and media companies. [Exhibit 5].

21. On or about March 2, 2016, without permission or license from Plaintiff, Defendants copied and posted Copyrighted Photograph to Bronson's Facebook account,

www.facebook.com/ActionBronsonMusic/photos/a.123396352124.122761.111529277124/10154071500387125/?type=3&theater (“Facebook Post”) (last visited August 13, 2018). [Exhibit 6].

22. Defendants copied Copyrighted Photograph directly from Plaintiff’s commercial website to Facebook account.

23. Defendants omitted any credit or reference to Plaintiff in the Facebook Post.

24. Bronson’s Facebook account, www.facebook.com/ActionBronsonMusic, has 547,000 followers worldwide.

25. On or about March 24, 2016, Defendants copied and distributed Copyrighted Photograph to numerous third parties as part of a press release titled “Action Bronson Announces Book Deal with Abrams.” [Exhibit 7].

26. As a direct result of Defendants’ actions described above, Copyrighted Photograph was copied and used by numerous third parties, including but not limited to:

- North Coast Festival
- Stereogum
- Los Angeles Daily News
- Join the Republik
- Big Guavafest
- Outbreak Boards
- Circa
- Mandatory
- Exclaim
- A Journal of Musical Things
- Smooth Waves Music

- Ok-Tho

[Exhibit 5].

COUNT I

INFRINGEMENT OF COPYRIGHT PURSUANT TO 17 U.S.C. § 101 ET SEQ.

27. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.
28. Plaintiff is, and at all relevant times has been, the copyright owner or licensee of exclusive rights under United States copyright with respect to Copyrighted Photograph, which is the subject of a valid Certificate of Copyright Registration by the Register of Copyrights.
29. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce and distribute Copyrighted Photograph to the public.
30. Plaintiff is informed and believes Defendants, without the permission or consent of Plaintiff, copied, distributed, and made available for distribution Copyrighted Photograph by posting the image to Bronson's Instagram and Facebook accounts. [Exhibits 4, 6]. In doing so, Defendants violated Plaintiff's exclusive rights of reproduction and distribution. Defendants' actions constitute infringement of Plaintiff's copyright and exclusive rights under copyright.
31. Plaintiff is informed and believes that the foregoing act of infringement was willful and intentional, in disregard of and with indifference to the rights of Plaintiff.
32. As a result of Defendants' infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to actual damages, including any profits realized by Defendants attributable to the infringement, pursuant to 17 U.S.C. § 504 for Defendants' infringement of Copyrighted Photograph.

COUNT II

**REMOVAL AND ALTERATION OF INTEGRITY OF COPYRIGHT MANAGEMENT
INFORMATION PURSUANT TO 17 U.S.C. § 1202**

33. Plaintiff is informed and believes that Defendants, without the permission or consent of Plaintiff, knowingly and with the intent to conceal infringement, intentionally removed copyright information management information before displaying Copyrighted Photograph on Bronson's Instagram and Facebook accounts. [Exhibits 4, 6]. In doing so, Defendants violated 17 U.S.C. § 1202(a)(1) and (b)(1).
34. As a result of Defendants' actions, Plaintiff is entitled to actual damages or statutory damages pursuant to 17 U.S.C. § 1203(c). Plaintiff is further entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 1203(b)(5).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- A. Declaring that Defendants' unauthorized conduct violates Plaintiff's rights under the Federal Copyright Act;
- B. Immediately and permanently enjoining Defendants, their officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing Plaintiff's Copyrighted Photograph without consent or otherwise infringing Plaintiff's copyright or other rights in any manner;
- C. Ordering Defendants to account to Plaintiff for all gains, profits, and advantages derived by Defendants by their infringement of Plaintiff's copyright or such damages as are proper;
- D. Awarding Plaintiff actual and/or statutory damages for Defendants' copyright infringement, pursuant to 17 U.S.C. § 504, 17 U.S.C. § 1203(b)(3), and § 1203(b)(5), in an amount to be determined at trial;
- E. Awarding Plaintiff his costs, reasonable attorneys' fees, and disbursements in this action, pursuant to 17 U.S.C. § 1203(b)(3), and § 1203(b)(5); and
- F. Awarding Plaintiff such other and further relief as is just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims for which there is a right to jury trial.

Dated: August 13, 2018

Respectfully submitted,

REESE LLP

/s/ Michael R. Reese

Michael R. Reese

100 West 93rd Street, 16th Floor

New York, New York 10025

Telephone: (212) 643-0500

Facsimile: (212) 253-4272

Email: *mreese@reesellp.com*

- and -

David C. Deal (VA Bar No.: 86005)

The Law Office of David C. Deal, P.L.C.

P.O. Box 1042

Crozet, Virginia 22932

Telephone: (434) 233-2727

Facsimile: (888) 965-8083

Email: *david@daviddeal.com*

Counsel for Plaintiff

EXHIBIT 1



EXHIBIT 2

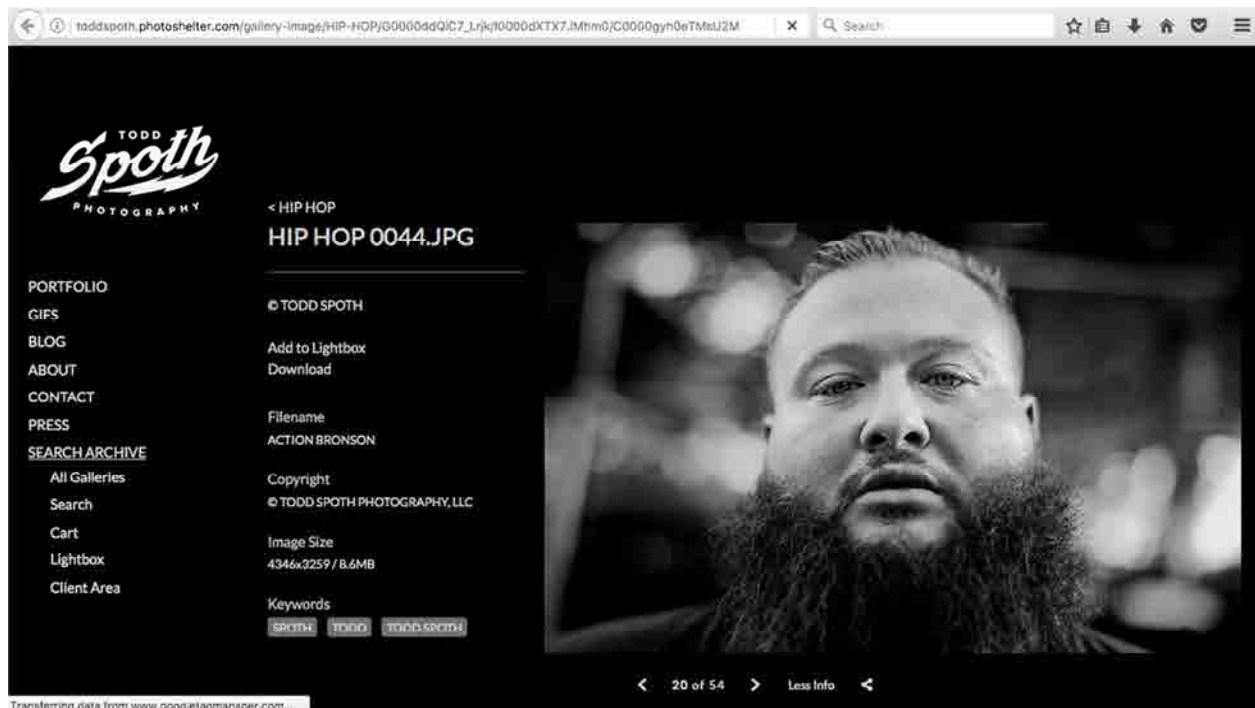


EXHIBIT 3

Copyright United States Copyright Office				
Help	Search	History	Titles	Start Over

Public Catalog

Copyright Catalog (1978 to present)
 Search Request: Left Anchored Name = spoth todd
 Search Results: Displaying 3 of 3 entries

Action Bronson portrait.

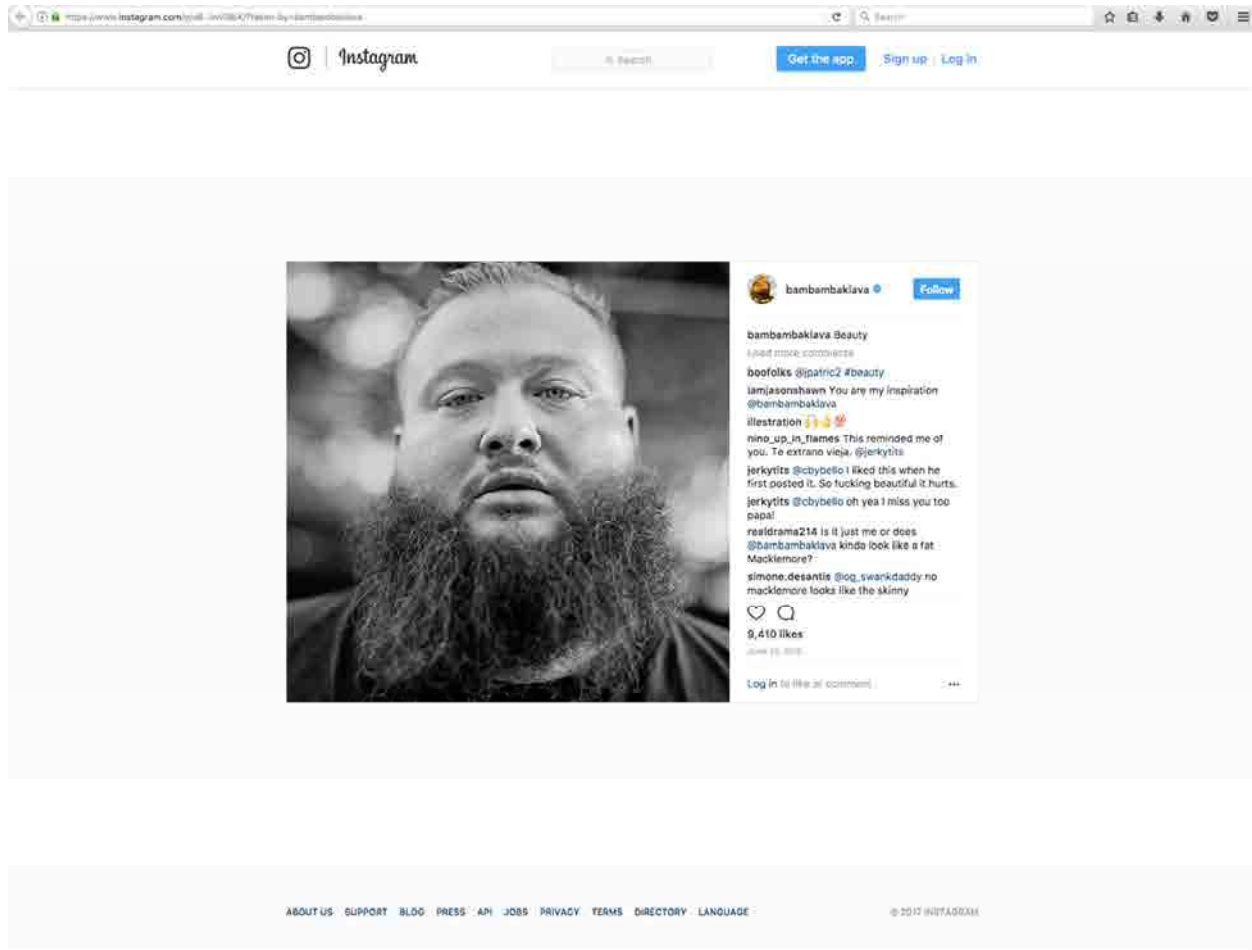
Type of Work: Visual Material
Registration Number / Date: VA0002061040 / 2016-12-07
Application Title: Action Bronson portrait.
Title: Action Bronson portrait.
Description: Electronic file (eService)
Copyright Claimant: Todd Michael Spoth, 1982- · Address: 2429 Bissonnet St, Suite 563, Houston, TX, 77005, United States.
Date of Creation: 2013
Date of Publication: 2013-06-04
Nation of First Publication: United States
Authorship on Application: Todd Michael Spoth, 1982- ; Citizenship: United States. Authorship: photograph.
Rights and Permissions: Todd Michael Spoth, Todd Spoth Photography, LLC, 2429 Bissonnet St, Suite 563, Houston, TX, 77005, United States; (832) 265-3486, (832) 265-3486, info@toddsphot.com
Names: Spoth, Todd Michael, 1982-

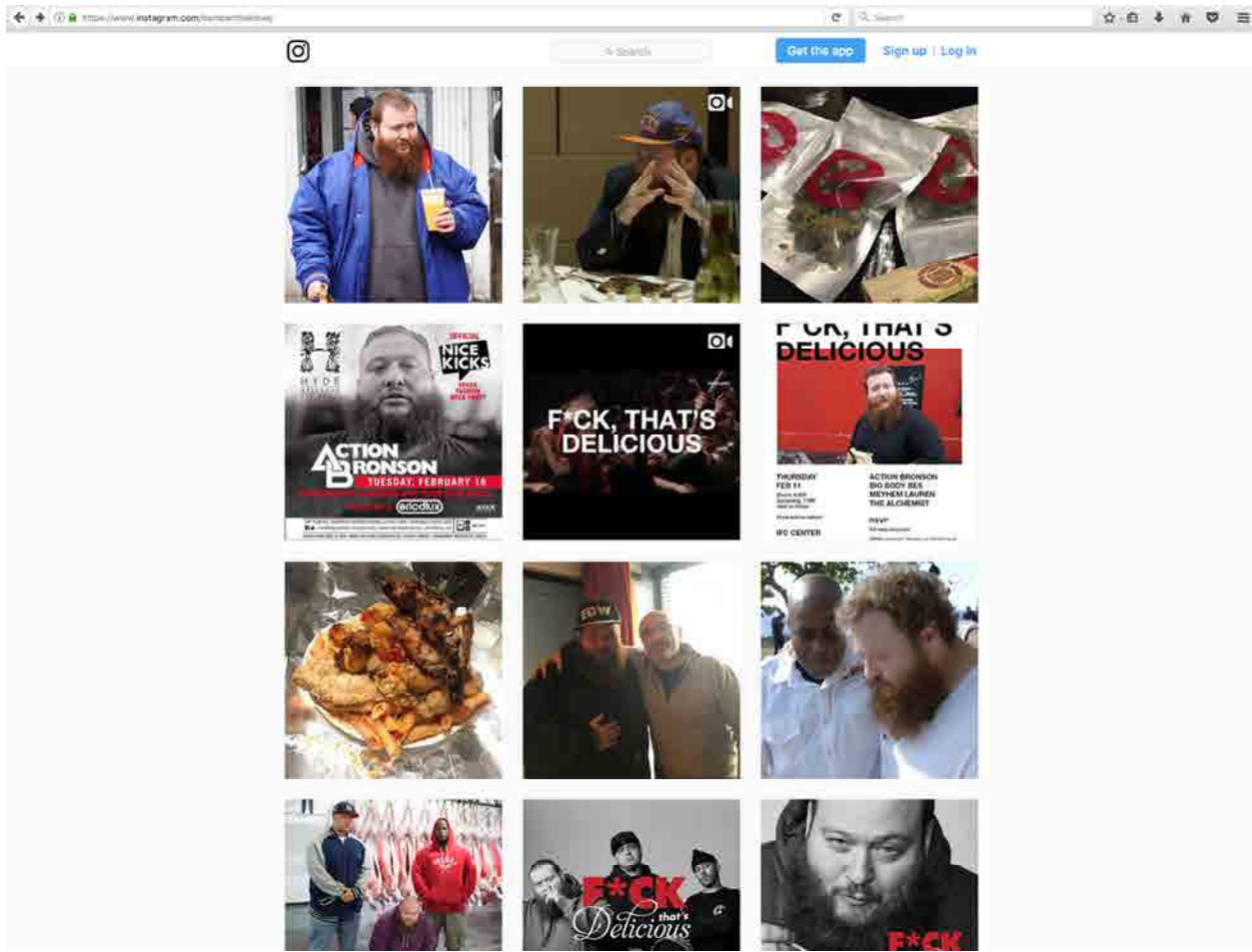
Save, Print and Email (Help Page)	
Select Download Format	Full Record <input checked="" type="radio"/> Format for Print/Save
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EXHIBIT 4





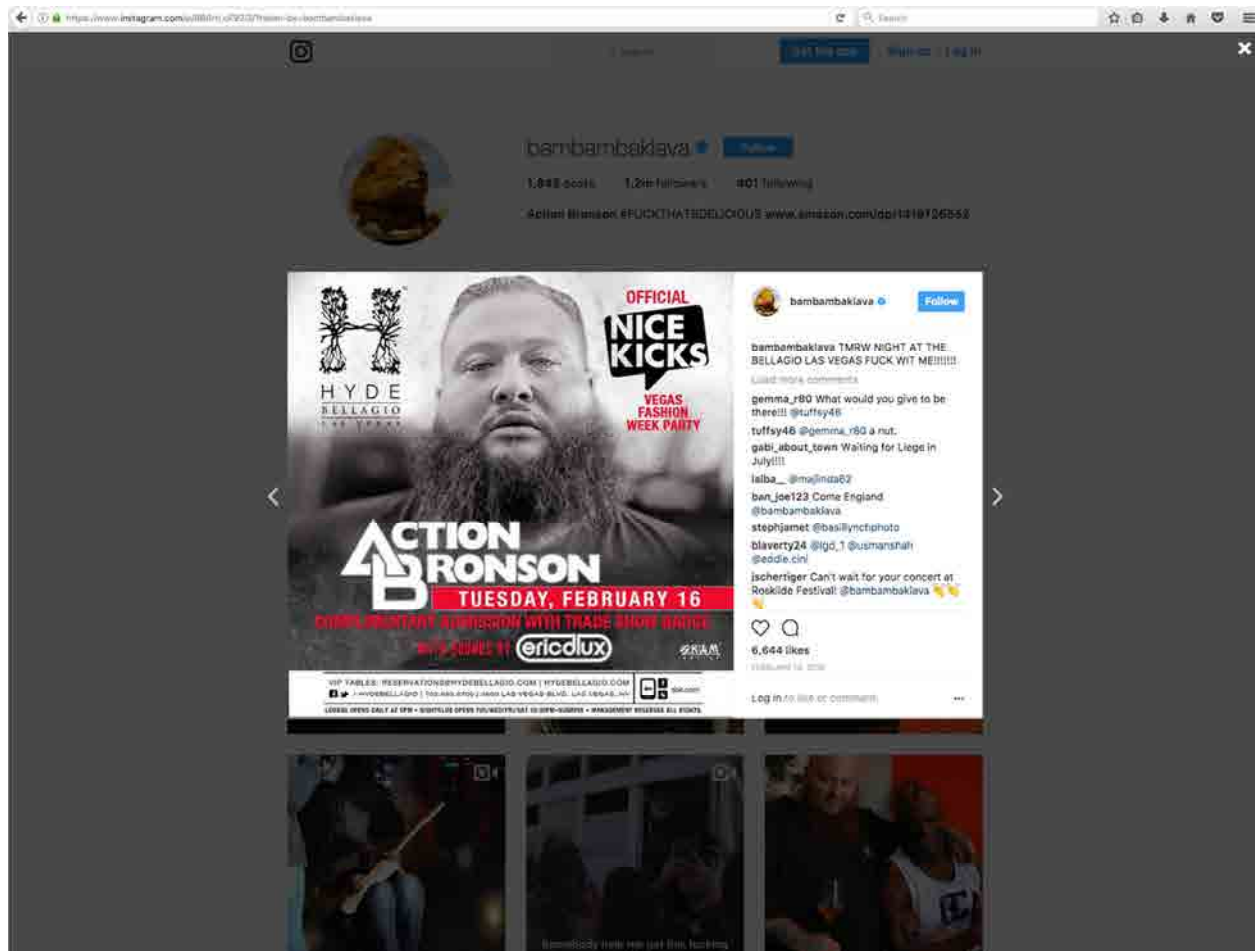


EXHIBIT 5




www.stereogum.com/1857443/action-bronson-book-fck-thats-delicious-an-annotated-guide-to-eating-well-c

STEREOGUM FEATURES SONGS VIDEOS LISTS

An Annotated Guide to Eating Well Coming Next Year

James Rettig [@jmrret](#) | March 24, 2018 - 1:31 pm

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CREDITS: Todd Spoth

Transferring data from platform front-end


NEW YORK CITY
RANDALL'S ISLAND PARK

FRIDAY JULY 28	SATURDAY JULY 29	SUNDAY JULY 30
FRANK OCEAN SOLANGE	TAME IMPALA ALT-J	NINE INCH NAILS TRIBE CALLED QUEST

GET PASSES

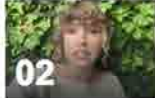
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01




Venue Shares Statement About Melody's Echo Chamber Injury...

02



Watch Taylor Swift's Noxiously Insincere Salute To Russell...

03



Melody's Echo Chamber Hospitalized After "Serious Accident"

www.dailynews.com/arts-and-entertainment/20160720/why-action-bronson-says-your-underwear-is-in-danger-at-skateboarding-dew-tour

Los Angeles Daily News

MUSIC

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Home Entertainment **Music**

Why Action Bronson says your underwear is in danger at skateboarding Dew Tour



The Dew Tour skateboarding competition comes to Long Beach for the first time July 22-24 at the Long beach

artists Action Bronson performs Saturday. Photo courtesy Dew Tour.

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*BASED ON 2014 FORD NEW VEHICLE CAR & TRUCK INITIAL SALES REPORT

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Stalled LA Mission College arts center is almost ready for its close-up


Wife, alleged lover enter not guilty pleas in Woodland Hills hairdresser murder case

Hundreds of firefighters battle brush fires near Malibu, Calabasas

Lakers feel Kyle Kuzma, Josh Hart, Thomas Bryant give them positional versatility



UPCOMING EVENTSPRIVATE EVENTSFAQCONTACTTHE SAFEHOUSE



Action Bronson

March 24

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DETAILS

Presented By: BAMP Project and RVCA

Support:

Doors: 6pm Safehouse 21+ | 7pm Concert Hall

Show Time: 9pm

Age Restriction: All Ages Accompanied by an Adult (18+)

TICKET INFO

Ticket Prices: \$35 GA | \$5 increase day of show.

All ticket prices are in advance with applicable fees. Ticket prices may increase on the day of show. Ticket fees are non-refundable.

Tickets are also available at the following locations.

BAMP SHOWS:

The Republik Box Office Tues-Fri 10a-6p with a \$2 service fee per ticket

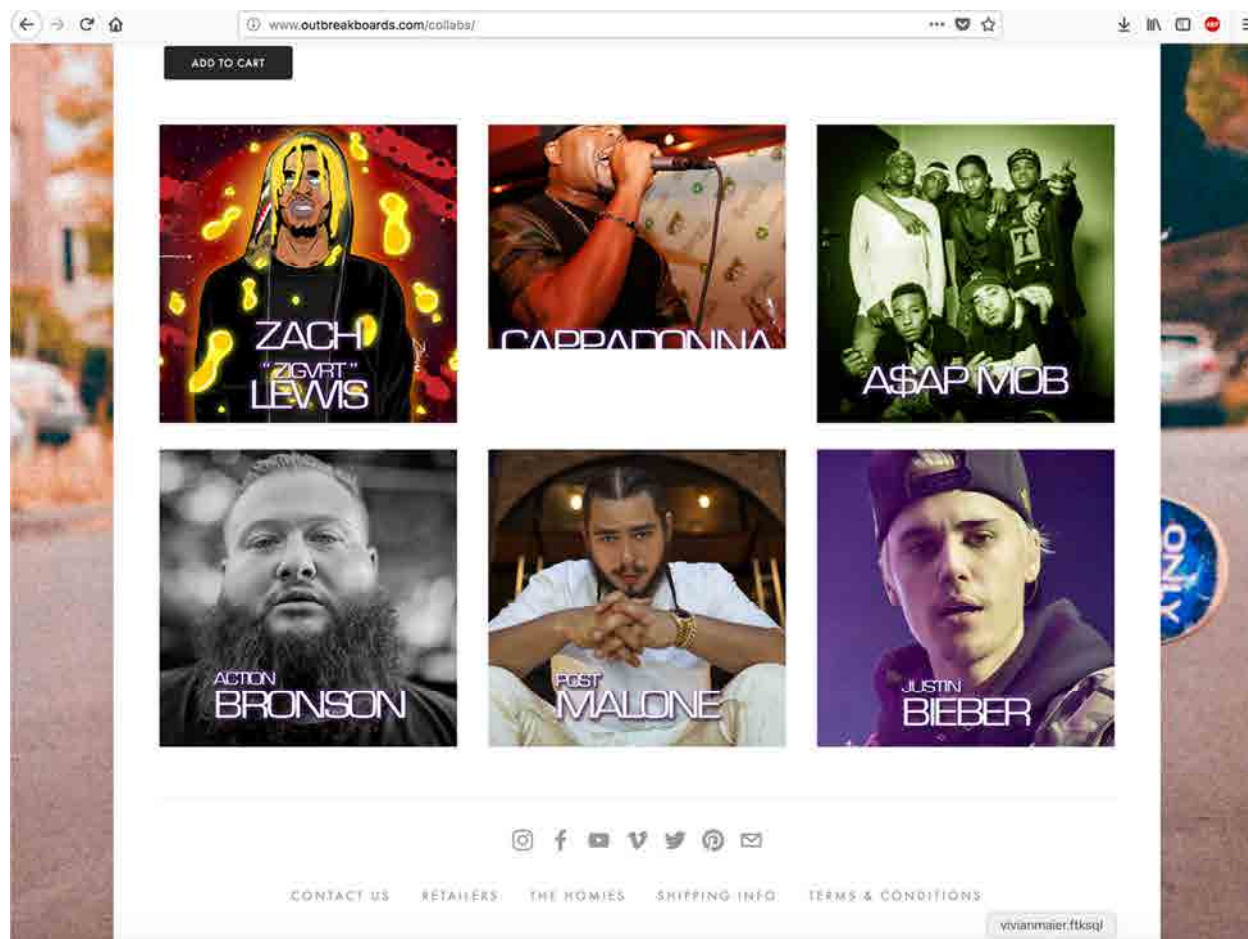
Local Motion Stores

Navy/ITC/ITT Offices

Army LTS Offices

UH Campus Center





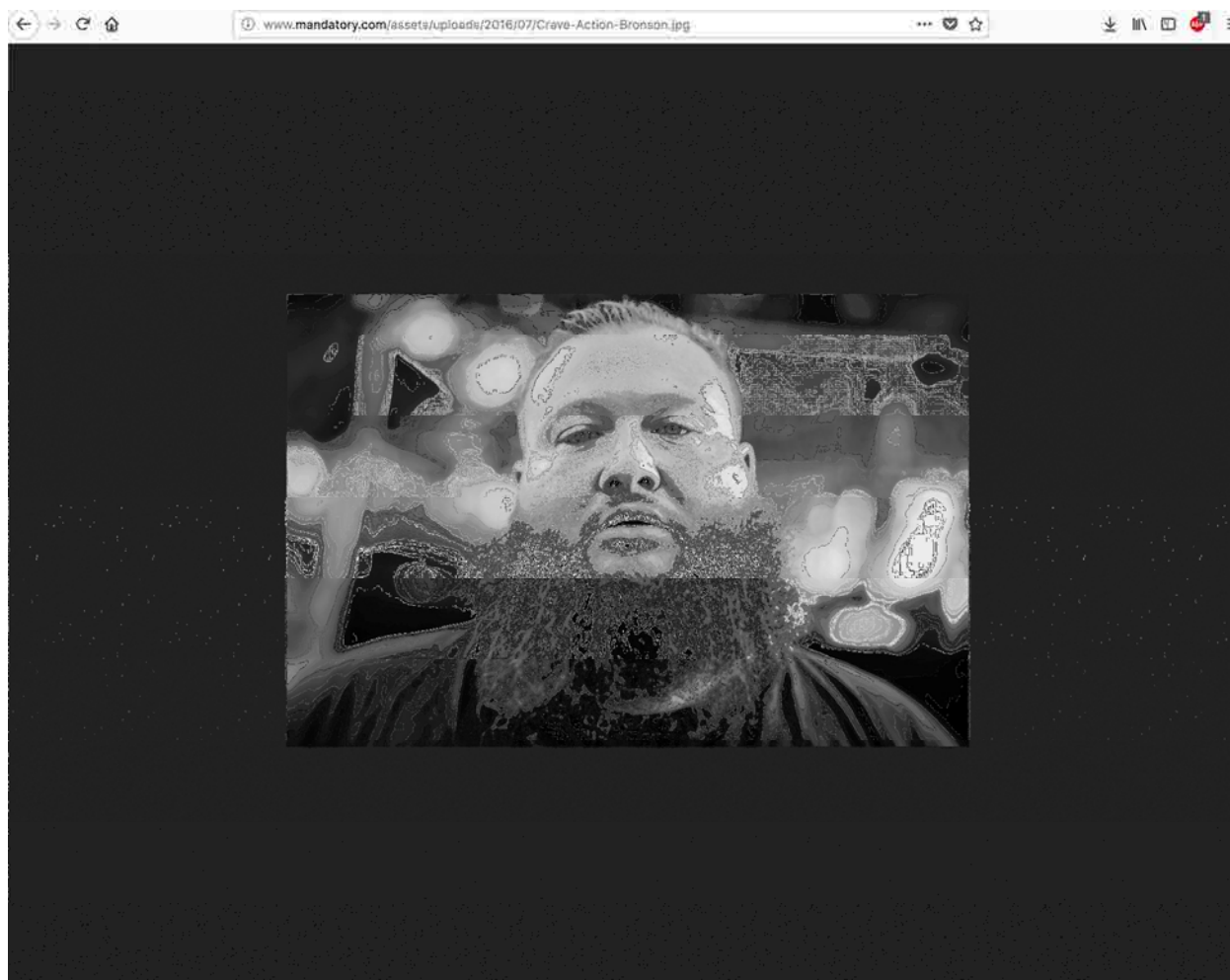


Bronson's BFF, Mario Batali, crashed our recent interview with him recently but was able to talk about writing the forward for Bronson's new book. Batali says that first thing that drew him to want to know Bronson was that he was just so nice. The second was his intense culinary curiosity.



He loved talking about writing the book and about his ambition to write ten more. However, that cordiality fades just a bit when you ask him to choose between making music and making food. He won't choose.






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Action Bronson Prepping 'Fuck, That's Delicious' Cookbook



By [Gregory Adams](#)
Published Mar 24, 2016

After hosting a couple of seasons of Vice series [Fuck, That's Delicious](#), rapper and former professional chef [Action Bronson](#) has announced he'll be treating foodies to a new book chronicling all sorts of gourmet edibles. His *F*ck, That's Delicious: An Annotated Guide to Eating Well* is due in 2017 through the [ABRAMS](#) imprint.

A press release confirms that Action Bronson is teaming up with the publishing house to deliver a cookbook that mixes "colourful food memories" with "notes from his global music tours." The guide will apparently be filled with food photography, candid snaps shot backstage at his shows, illustrations, handwritten lyrics, video storyboards and more.


"*F*ck, That's Delicious* will capture all my food moments, many that I got to experience around the world while performing," the hip-hop artist explained in

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Jay-Z's "4:44" hits the street on June 30th.
smoothwavesmusic.com/2017/06/30/jay-444/

Jun 20, 2017

Smooth Waves Music
@SmoothWaves

Nosaj Thing releases new single titled "All Points Back to U," announces huge US tour and...

smoothwavesmusic.com/2017/06/14/nosaj-thing/

Jun 14, 2017

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https://smoothwavesmusic.com/2016/02/25/action-bronson-is-back-with-a-new-episode-of-fck-that-s-delicious/

ABOUT PHOTOGRAPHY PLAYLISTS

SPECIAL

ACTION BRONSON IS BACK WITH A NEW EPISODE OF "F*CK THAT'S DELICIOUS"

FEBRUARY 25, 2016 | SMOOTH WAVES MUSIC | LEAVE A COMMENT



Big Body Bes, Alchemist, Mayhem Lauren and Bronsolino are back again with Bronson's Vice series *Fuck That's Delicious*.

What happens when an Israeli, an Albanian, a black man, a half Puerto Rican/ half Dominican and a German walk into a restaurant? Copious amounts of fine foods from the south are consumed, things are said that shouldn't be repeated and Big Body Bes rides a jet ski. Check this one out for yourself below and stay tuned for Episode 2 coming soon.

SMOOTH WAVES MUSIC

Smooth ...
215 likes


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Be the first of your friends to like this

Smooth Waves Music
about 12 months ago

Sprint & Tidal users are getting a treat on June 30th. A few days ago Jay-Z announced he was releasing his new album and movie (possibly a documentary?) next week exclusively on his streaming service and

SNAPSHOTS



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Los Angeles Daily News

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TRENDING: Northridge Fashion Center makeover Dodgers gondola Bode Miller's baby drowns Vote in Readers Choice Contest California primary election 2018

BREAKING NEWS Hundreds of firefighters battling Portola fire threatening homes near Benedict Canyon in LA June 19, 2018, 8:24 pm

THINGS TO DO EVENTS

Why Action Bronson says your underwear is in danger at skateboarding Dew Tour






1 of 4

This Dew Tour skateboarding competition zeroes in on Bronson for the first time. July 25/24 at the Los Angeles Convention Center. His fans, artists, and...

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- 3 Hundreds of firefighters battling Portola fire threatening



www.ok-tho.com/2016/04/action-bronsons-fuck-thats-delicious.html

OK-THO



Action Bronson's "Fuck That's Delicious" Gets Book Deal

By Piccochi Music Friday, April 1, 2016



ACTION BRONSON ANNOUNCES BOOK DEAL WITH ABRAMS

***F*ck, That's Delicious: An Annotated Guide to Eating Well* TO ARRIVE IN FALL OF 2017**

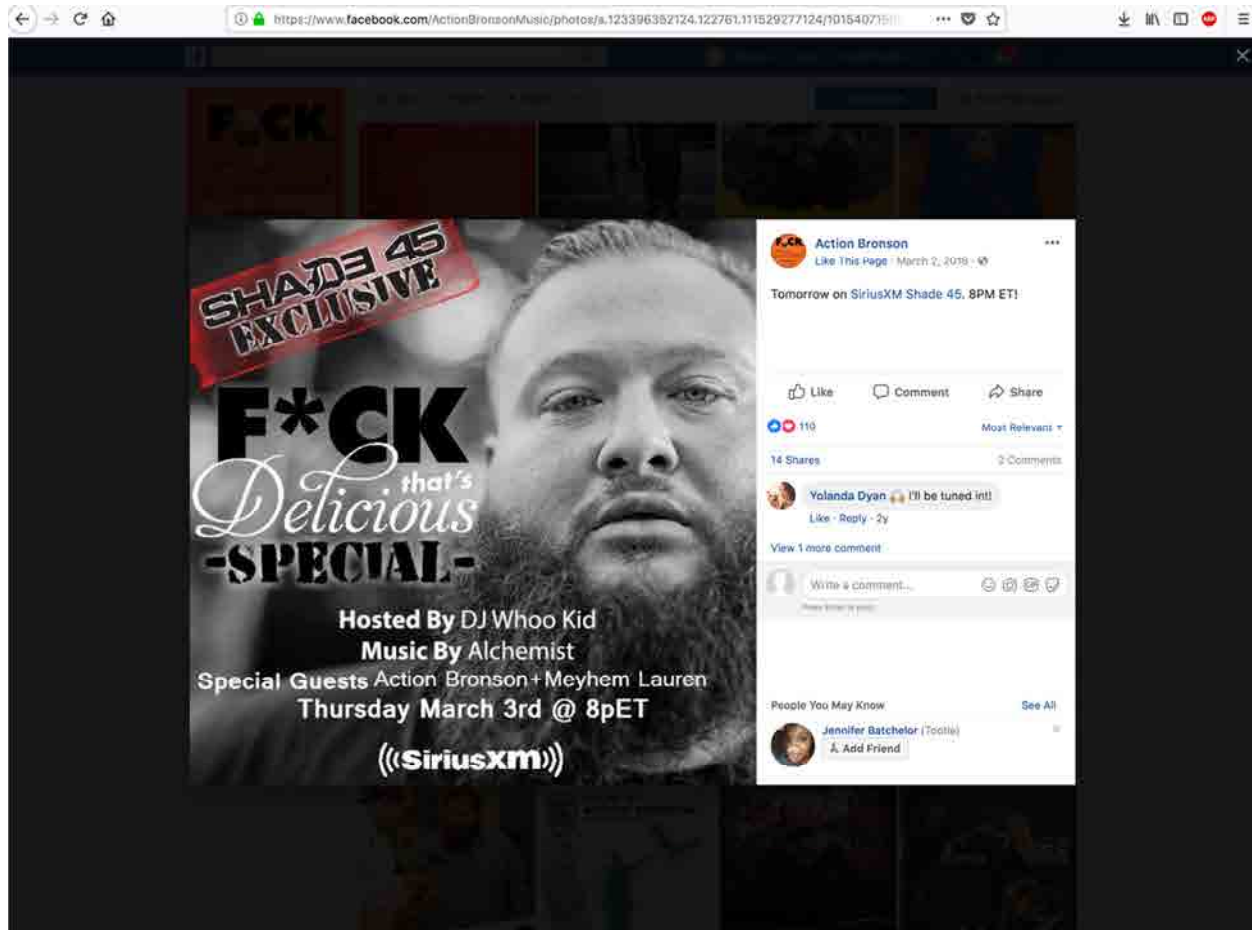
ABRAMS, the preeminent publisher of illustrated books, has announced that they have signed a deal to publish in Fall 2017 the highly sought out publication of chef and world-class rapper Action Bronson, *F*ck, That's Delicious: An Annotated Guide to Eating Well*.

The cookbook will include Bronson's colorful food memories and notes from his global music tours. Equal parts food geekery, rap swagger, and epically appealing recipes, *F*ck, That's Delicious* will be impressively designed to include graphic art, illustration, food photography, backstage shots, storyboards from his videos, handwritten lyrics, and more. The book will be co-written by James Beard Award-winning food writer Rachel Wharton.

ABRAMS' Executive Editor Holly Dolce signed the World All Language deal with Bronson's literary agent, Marc Gerald at United Talent Agency, and Paul Rosenberg, Bronson's manager and President/CEO of the firm Goliath Artists, Inc.

*"F*ck, That's Delicious will capture all my food moments, many that I got to experience around the world while performing. The book is definitely something I've wanted to do for a very long time, and I'm just happy that it's coming to life,"* says Bronson.

EXHIBIT 6



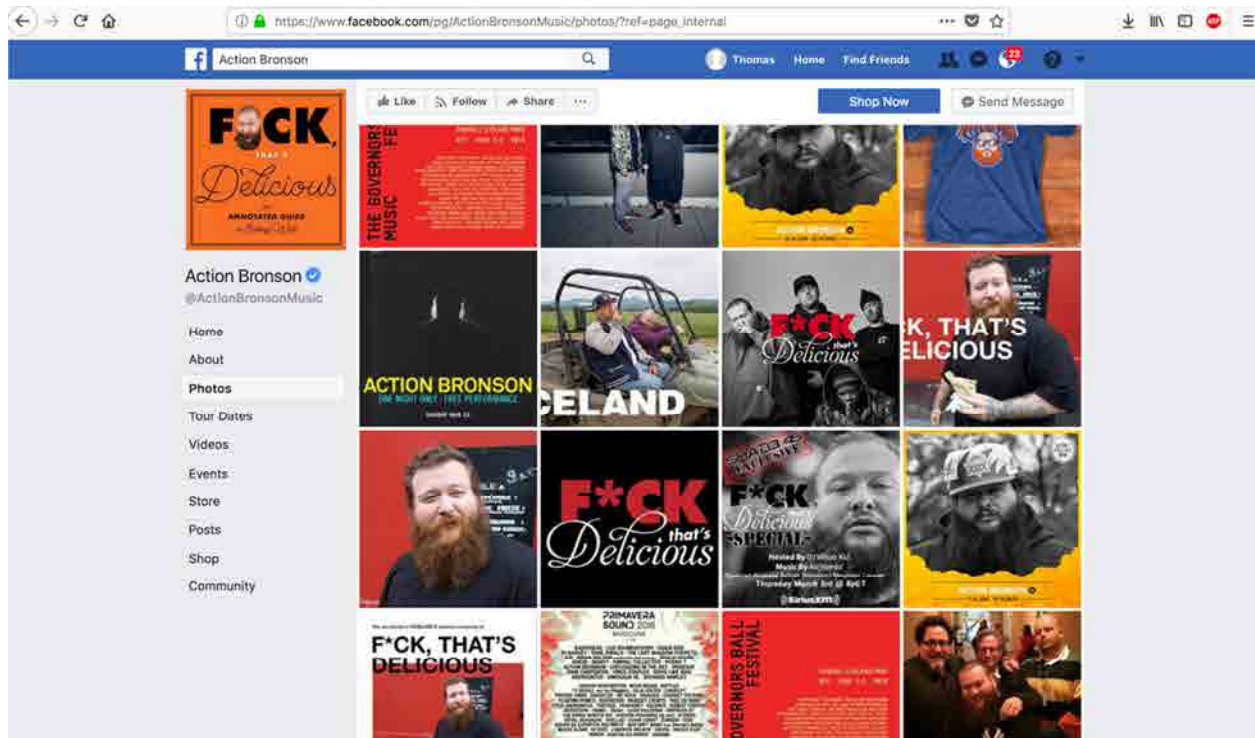


EXHIBIT 7

----- Forwarded message -----

From: Biz 3 Publicity <pressrelease@biz3.net>
Date: Thu, Mar 24, 2016 at 1:16 PM
Subject: ACTION BRONSON ANNOUNCES BOOK DEAL
To: phillips@pitchforkmedia.com

ACTION BRONSON ANNOUNCES BOOK DEAL WITH ABRAMS

***F*ck, That's Delicious: An Annotated Guide to Eating Well* TO ARRIVE IN FALL OF 2017**

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ABOUT ABRAMS

Founded by Harry N. Abrams in 1949, ABRAMS was the first company in the United States to specialize in the creation and distribution of art and illustrated books. Now a subsidiary of La Martinière Groupe, the company publishes visually stunning illustrated books in the areas of art, photography, cooking, interior and garden design, craft, architecture, entertainment, fashion, sports, pop culture, as well as children's books and general interest titles. The company's imprints include Abrams, Abrams ComicArts, Abrams Image, Abrams Books for Young Readers, Applesseed, and Amulet Books. Abrams also distributes books for The Vendome Press, Victoria & Albert Museum, Tate, Royal Academy of Arts, Booth-Clibborn Editions, Five Continents and others.
www.abramsbooks.com